

REMARKS

Claims 1, 3, 5-7, 11 and 12 are amended. Claims 16-53 are cancelled. Claims 54 and 55 are added. Claims 1-15, 54 and 55 are in the application for consideration.

The undersigned does not understand and objects to the one-month shortened statutory period for reply set in the August 11, 2005 Office Action.

Independent claim 1 is rejected as being anticipated by U.S. Patent No. 6,069,055 to Ukeda et al. Claim 1 has been amended to recite that, after the polishing, all remaining of the masking material is etched from the substrate. Ukeda et al. does not disclose such and, in fact, suggests the exact opposite. Specifically, in every one of the embodiments of Ukeda et al., its masking material partially remains as forming a transistor gate construction. Accordingly, Applicant's amended independent claim 1 recites something which is not disclosed by Ukeda et al. Further, it would be inappropriate to suggest a modification of Ukeda et al. in accordance with Applicant's independent claim 1, as doing so would defeat a fundamental purpose of forming a gate which is clearly one of the objectives of Ukeda et al. For the foregoing reasons, claim 1 as amended should be allowed, and action to that end is requested.

Applicant's claim 3 has been rewritten into independent form. Such claim stands rejected as being obvious over Ukeda et al. Applicant disagrees and requests reconsideration. The Examiner merely asserts that it would be obvious to "select a known material on the basis of its suitability

for the intended application”, and apparently, thereby asserts that titanium nitride is such a known material. However, the Examiner has cited no prior art in support of this position, and to any extent the Examiner is asserting that titanium nitride is such a known material in the context of Applicant’s claims, the undersigned hereby seasonably challenges the Examiner to produce such a reference, pursuant to MPEP §2144.03.

Applicant’s claims 5 and 6 have been rewritten into independent form. Each stood rejected as being obvious over Ukeda et al. for essentially the same reasons listed shown with respect the rejection of claim 3. The undersigned hereby seasonably challenges the Examiner to produce a reference in support of the Examiner’s position with respect to each of claim 5 (disclosing amorphous carbon comprising at least one of boron and nitrogen) and claim 6 (amorphous carbon which is transparent to visible light). Absent such reference, the undersigned respectfully asserts that the Examiner has not established *prima facie* obviousness.

Applicant’s claim 7 has been rewritten into independent form. Claim 7 was rejected as being anticipated by Ukeda et al. Applicant disagrees and requests reconsideration.

In rejecting claim 7, the Examiner relies upon col.5, Ins.20-25 of Ukeda et al. However, such language in no way discloses that the masking material comprises at least two of tungsten, titanium nitride, and amorphous carbon. All of the language at col.5, Ins.20-25 refers to different materials, with the use of the word “or”, and in no way suggests using multiple of any

of the stated materials, and therefore, in no way discloses using at least two of tungsten, titanium nitride, and amorphous carbon. Accordingly, the Examiner's rejection of original claim 7 is seen to be in error and should be withdrawn. Action to that end is requested.

Dependent claim 11 is amended to correct a typographical error, and dependent claims 11 and 12 are amended to insert more preferred and grammatically correct hyphenation. Absolutely no change in scope occurs to such claims by the proposed amendments.

Dependent claims 54 and 55 are added, and are clearly supported by Applicant's application as-filed.


Each of Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. Action to that end is requested.

A Supplemental Disclosure Statement is presented herewith.

This application is believed to be in immediate condition for allowance, and action to that end is requested.

Respectfully submitted,

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